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2000 OCT 11 BEFORE THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF ) DOCKET NO. L-00000B-00-0105  
SALT RIVER PROJECT, OR THEIR )  
ASSIGNEE(S), IN CONFORMANCE WITH THE ) ARIZONA UTILITY INVESTORS  
REQUIREMENTS OF THE ARIZONA REVISED ) ASSOCIATION'S MOTION TO  
STATUTES §§ 40-360.03 AND 40-360.06 FOR A ) STRIKE - and - MOTION IN  
CERTIFICATE OF ENVIRONMENTAL ) LIMINE  
COMPATIBILITY AUTHORIZING THE )  
CONSTRUCTION OF NATURAL GAS-FIRED, )  
COMBINED CYCLE GENERATING FACILITIES )  
AND ASSOCIATED INTRAPLANT )  
TRANSMISSION LINES, SWITCHYARD IN )  
GILBERT, ARIZONA LOCATED NEAR AND )  
SOUTHEAST OF THE INTERSECTION OF VAL )  
VISTA DRIVE AND WARNER ROAD. )

Arizona Corporation Commission

DOCKETED

OCT 11 2000

DOCKETED BY

Intervenor Arizona Utility Investors Association ("AUIA"), by and through undersigned counsel, hereby submits to the State of Arizona Power Plant and Transmission Line Siting Committee (the "Committee") this (a) Motion to Strike; and (b) Motion in Limine regarding testimony and exhibits that address public opinions regarding the Santan Expansion Project. In support hereof, AUIA states as follows:

The sole purpose of this proceeding is for the Committee to determine, pursuant to A.R.S. § 40-360.06, whether it should grant the Salt River Project's ("SRP") Application for a Certificate of Environmental Compatibility for the Santan Expansion Project ("Application"). A.R.S. § 40-360.06 itemizes nine (9) factors that are to form the Committee's "basis for its action with respect to the suitability" of the plant siting. None of the factors listed in A.R.S. § 40-360.06 are, or relate to, the "popularity" of the Santan Expansion Project. Each of the factors does, however, deal with the environmental suitability of the Santan Expansion Project. Consequently, testimony and

1 exhibits in this proceeding regarding polls, surveys or petitions in support of, or in opposition to,  
2 the Santan Expansion Project are irrelevant, immaterial and outside the scope of this proceeding.  
3 A.R.S. § 40-360.04 is clear, however, that the Committee should only consider material and non-  
4 repetitive evidence.

5 At the hearing held in this docket on September 14, 2000, SRP and Intervenors introduced  
6 testimony and exhibits regarding the "popularity" of the Santan Expansion Project. None of the  
7 "popularity" testimony or exhibits addressed any of the A.R.S. § 40-360.06 factors. Because the  
8 "popularity" testimony and exhibits were irrelevant and immaterial evidence, it should be stricken  
9 from the record of this proceeding.

10 Recently, SRP filed a Request for Procedural Conference in which it requested to withdraw  
11 its testimony on the polling and survey efforts of the Summit Group. While AUIA agrees with  
12 SRP that such "popularity" evidence does not belong in the proceeding, SRP's request does not go  
13 far enough. Accordingly, AUIA requests that all SRP and Intervenor testimony and exhibits  
14 regarding polls, surveys or petitions in support of, or in opposition to, the Santan Expansion  
15 Project be stricken from the record in this docket. Furthermore, AUIA requests that the Committee  
16 issue its ruling that testimony and exhibits submitted by all parties in this proceeding be limited to  
17 the nine (9) factors listed in A.R.S. § 40-360.06, and that no "popularity" testimony or exhibits be  
18 offered in direct, cross-examination or rebuttal testimony in this case.

19 WHEREFORE, for all the foregoing reasons, AUIA requests that the Committee issue the  
20 following rulings:

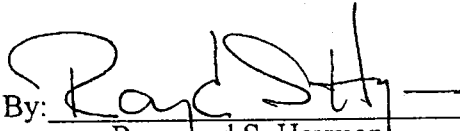
21 1. Striking the testimony and exhibits in the record regarding opinions, polls, surveys  
22 or petitions in support of, or in opposition to the Santan Expansion Project; and

23 2. Limiting admissible evidence in this case to evidence pertaining to the nine (9)

1 factors listed in A.R.S. § 40-360.06 and excluding testimony and exhibits regarding opinions,  
2 polls, surveys or petitions in support of, or in opposition to, the Santan Expansion Project.

3  
4 RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of October, 2000.

5 ROSHKA HEYMAN & DEWULF, PLC

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7 By:   
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1 Original and 25 copies of the foregoing  
filed this 11<sup>th</sup> day of October, 2000, with:

2 Docket Control  
3 Arizona Corporation Commission  
1200 West Washington Street  
4 Phoenix, Arizona 85007

5 Copy of the foregoing hand-delivered  
this 11<sup>th</sup> day of October, 2000, to:

6 Lyn Farmer, Chief Counsel  
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8 1200 West Washington Street  
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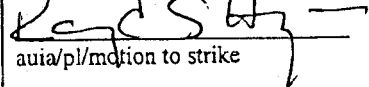
9 Deborah Scott, Director  
10 Utilities Division  
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12 Copy of the foregoing mailed  
13 this 11<sup>th</sup> day of October, 2000, to:

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19 Intervenor of Record

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auiapl/motion to strike